

- a. Return premiums on uncanceled contracts;
  - b. Dividends paid or credited to policyholders; and
  - c. The unused or unabsorbed portion of premium deposits.
- (6b) Named storm. – A weather-related event involving wind that has been assigned a formal name by the National Hurricane Center, National Weather Service, World Meteorological Association, or any other generally recognized scientific or meteorological association that provides formal names for public use and reference. A named storm includes hurricanes, tropical depressions, and tropical storms.
- (6c) Nonrecoupable assessment. – Any assessment levied on and payable by members of the Association that is not directly recoverable from policyholders. Prospective exposure to nonrecoupable assessments shall be considered as an appropriate factor in the making of rates by the North Carolina Rate Bureau.
- (7) ~~"Plan of operation" or "plan" means~~ Plan of operation. – ~~the~~ The plan of operation of the Association approved or promulgated by the Commissioner under this Article.
- (8) Voluntary market. – Insurance written voluntarily by companies other than through this Article or Article 46 of this Chapter.
- (9) Voluntary market rates. – Property insurance rates determined or permitted under Article 36, 40, or 41 of this Chapter.

**"§ 58-45-6. Persons who can be insured by the Association.**

As used in this Article, "person" includes the State of North Carolina and any county, city, or other political subdivision of the State of North Carolina.

**"§ 58-45-10. North Carolina Insurance Underwriting Association created.**

There is hereby created the North Carolina Insurance Underwriting Association, consisting of all insurers authorized to write and engage in writing within this State, on a direct basis, essential property insurance, except town and county mutual insurance associations and assessable mutual companies as authorized by G.S. 58-7-75(5)b, 58-7-75(5)d, and 58-7-75(7)b and except an insurer who only writes insurance in this State on property exempted from taxation by the provisions of G.S. 105-278.1 through G.S. 105-278.8. Every such insurer shall be a member of the Association and shall remain a member of the Association so long as the Association is in existence as a condition of its authority to continue to transact the business of insurance in this State.

**"§ 58-45-15. Powers and duties of Association.**

The Association shall, pursuant to the provisions of this Article and the plan of operation, and with respect to the insurance coverages authorized in this Article, have the power on behalf of its members:

- (1) To cause to be issued policies of insurance to ~~applicants;~~ applicants.
- (2) To assume reinsurance from its ~~members;~~ members.
- (3) To cede reinsurance to its members and to purchase reinsurance in behalf of its members.
- (4) To pledge the proceeds of assessments, projected reinsurance recoveries, other recoverables, and any other funds available to the Association as the source of revenue for and to secure lines of credit or other borrowings or financing arrangements necessary to fund any actual, projected, or future deficits of the Association, including borrowing from member companies.
- (5) To publish in the North Carolina Register all homeowners' rate filings with the Department of Insurance.

**"§ 58-45-20. Temporary directors of Association.**

Within 10 days after April 17, 1969, the Commissioner shall appoint a temporary board of directors of this Association, which shall consist of 11 representatives of members of the Association. Such temporary board of directors shall prepare and submit a plan of operation in